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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,012	08/14/2000	Steven J. Moore	122995-72252	8813

7590 10/15/2007
Steven J Moore
17 Cobblestone Lane
Newtown, CT 06470

EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of: MOORE :
Appl. No.: 09/638,012 : LETTER RESCINDING
Filed: August 14, 2000 : NOTICE OF ABANDONMENT
For: PACKAGE AMUSEMENT DEVICE :
AND METHOD :

A Notice of Abandonment, Form PTO 1432, was mailed on September 26, 2007 in patent application Serial Number 09/638,012. The Notice of Abandonment alleged that applicant failed to reply to a Notice of Non-Compliant Amendment mailed on October 27, 2004.

Review of the file history shows the Notice of Non-Compliant Amendment mailed on October 27, 2004 held the October 4, 2004 amendment as non-compliant under 37 CFR 1.121. However, as the instant file is a Reissue application, 37 CFR 1.121 is not the controlling rule for presentation of amendments. Review of the October 4, 2004 amendment shows it was fully compliant under 37 CFR 1.173 which proscribes the manner for making amendments in Reissue applications. It is clear the Notice of Non-Compliant Amendment mailed on October 27, 2004 was mailed in error. As such, the Notice of Non-Compliant Amendment mailed on October 27, 2004 is hereby VACATED.

As the Notice of Non-Compliant Amendment mailed on October 27, 2004 is vacated, there was no response due from applicant. Accordingly, the Notice of Abandonment mailed September 26, 2007 is hereby VACATED and RESCINDED.

The application is being restored to pending status and forwarded to the Examiner of record for consideration of the paper filed October 4, 2004. The delay in prosecution and any inconvenience occasioned by the mailing of the Notice of Abandonment in the application file is regretted.

Derris Banks
Supervisory Patent Examiner
Art Unit 3725/ Technology Center 3700